

Title 7—Agriculture

(This book contains parts 400 to 699)

Part

SUBTITLE B—REGULATIONS OF THE DEPARTMENT OF AGRICULTURE (CONTINUED)

CHAPTER IV—Federal Crop Insurance Corporation, Department of Agriculture	400
CHAPTER V—Agricultural Research Service, Department of Agriculture	500
CHAPTER VI—Natural Resources Conservation Service, Department of Agriculture	600

Subtitle B—Regulations of
the Department of
Agriculture (Continued)

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

<i>Part</i>		<i>Page</i>
400	General administrative regulations	7
401	[Reserved]	
402	Catastrophic Risk Protection Endorsement	67
403–406	[Reserved]	
407	Group risk plan of insurance regulations for the 2005 and succeeding crop years	72
408–411	[Reserved]	
412	Public information—Freedom of information	96
413–456	[Reserved]	
457	Common crop insurance regulations	97
458	[Reserved]	

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

Subparts A–B [Reserved]

Subpart C—General Administrative Regulations; Mutual Consent Cancellation

Sec.

400.27 Applicability.

400.28 Mutual consent criteria.

400.29–400.36 [Reserved]

Subparts D–E [Reserved]

Subpart F—Food Security Act of 1985, Implementation; Denial of Benefits

400.45 Applicability.

400.46 Definitions.

400.47 Denial of crop insurance.

400.48 Protection of interests of tenants,
landlords or producers.

400.49–400.50 [Reserved]

Subpart G—Actual Production History

400.51 Availability of actual production his-
tory program.

400.52 Definitions.

400.53 Yield certification and acceptability.

400.54 Submission and accuracy of produc-
tion reports.

400.55 Qualifications for actual production
history coverage program.

400.56 Administrative appeal exhaustion.

400.57 [Reserved]

Subpart H—Information Collection Require- ments Under the Paperwork Reduction Act; OMB Control Numbers

400.65–400.66 [Reserved]

Subpart I [Reserved]

Subpart J—Appeal Procedure

400.90 Definitions.

400.91 Applicability.

400.92 Appeals.

400.93 Administrative review.

400.94 Mediation.

400.95 Time limitations for filing and re-
sponding to requests for administrative
review.

400.96 Judicial review.

400.97 Reservations of authority.

400.98 Reconsideration process.

Subpart K—Debt Management—Regula- tions for the 1986 and Succeeding Crop Years

400.115 Purpose.

400.116 Definitions.

400.117 Determination of delinquency.

400.118 Demand for payment.

400.119 Notice to debtor; credit reporting
agency.

400.120 Subsequent disclosure and
verification.

400.121 Information disclosure limitations.

400.122 Attempts to locate debtor.

400.123 Request for review of the indebted-
ness.

400.124 Disclosure to credit reporting agen-
cies.

400.125 Notice to debtor, collection agency.

400.126 Referral of delinquent debts to con-
tract collection agencies.

400.127 [Reserved]

400.128 Definitions.

400.129 Salary offset.

400.130 Notice requirements before offset.

400.131 Request for a hearing and result if
an employee fails to meet deadlines.

400.132 Hearings.

400.133 Written decision following a hearing.

400.134 Review of FCIC record related to the
debt.

400.135 Written agreement to repay debt as
an alternative to salary offset.

400.136 Procedures for salary offset; when
deductions may begin.

400.137 Procedures for salary offset; types of
collection.

400.138 Procedures for salary offset; meth-
ods of collection.

400.139 Nonwaiver of rights.

400.140 Refunds.

400.141 Internal Revenue Service (IRS) Tax
Refund Offset.

400.142 Past-due legally enforceable debt el-
igible for refund offset.

Subpart L—Reinsurance Agreement— Standards for Approval; Regulations for the 1997 and Subsequent Reinsurance Years

400.161 Definitions.

400.162 Qualification ratios.

400.163 Applicability.

400.164 Availability of the Standard Rein-
surance Agreement.

400.165 Eligibility for Standard Reinsurance
Agreements.

400.166 Obligations of the Corporation.

400.167 Limitations on Corporation's obliga-
tions.

400.168 Obligations of participating insur-
ance company.

400.169 Disputes.

400.170 General qualifications.

400.171 Qualifying when a state does not re-
quire that an Annual Statutory Finan-
cial Statement be filed.

400.172 Qualifying with less than two of the
required ratios or ten of the analytical
ratios meeting the specified require-
ments.

400.173 [Reserved]

Pt. 400

7 CFR Ch. IV (1–1–05 Edition)

- 400.174 Notification of deviation from financial standards.
- 400.175 Revocation and non-acceptance.
- 400.176 State action preemptions.
- 400.177 [Reserved]

Subpart M—Agency Sales and Service Contract—Standards for Approval

- 400.201 Applicability of standards.
- 400.202 Definitions.
- 400.203 Financial statement and certification.
- 400.204 Notification of deviation from standards.
- 400.205 Denial or termination of contract and administrative reassignment of business.
- 400.206 Financial qualifications for acceptability.
- 400.207 Representative licensing and certification.
- 400.208 Term of the contract.
- 400.209 Electronic transmission and receiving system.
- 400.210 [Reserved].

Subpart N [Reserved]

Subpart O—Non-Standard Underwriting Classification System Regulations for the 1991 and Succeeding Crop Years

- 400.301 Basic, purpose, and applicability.
- 400.302 Definitions.
- 400.303 Initial selection criteria.
- 400.304 Nonstandard Classification determinations.
- 400.305 Assignment of Nonstandard Classifications.
- 400.306 Spouses and minor children.
- 400.307 Discontinuance of participation.
- 400.308 Notice of Nonstandard Classification.
- 400.309 Requests for reconsideration.

Subpart P—Preemption of State Laws and Regulations

- 400.351 Basis and applicability.
- 400.352 State and local laws and regulations preempted.

Subpart Q—General Administrative Regulations; Collection and Storage of Social Security Account Numbers and Employer Identification Numbers

- 400.401 Basis and purpose and applicability.
- 400.402 Definitions.
- 400.403 Required system of records.
- 400.404 Policyholder responsibilities.
- 400.405 Agent and loss adjuster responsibilities.
- 400.406 Insurance provider responsibilities.
- 400.407 Restricted access.
- 400.408 Safeguards and storage.

- 400.409 Unauthorized disclosure.
- 400.410 Penalties.
- 400.411 Obtaining personal records.
- 400.412 Record retention.
- 400.413 [Reserved]

Subpart R—Sanctions

- 400.451 General.
- 400.452 Definitions.
- 400.453 Exhaustion of administrative remedies.
- 400.454 Civil penalties.
- 400.455 Governmentwide debarment and suspension (procurement).
- 400.456 Governmentwide debarment and suspension (nonprocurement).
- 400.457 Program Fraud Civil Remedies Act.
- 400.458 Scheme or device.
- 400.459 Indebtedness.
- 400.460–400.500 [Reserved]

Subpart S [Reserved]

Subpart T—Federal Crop Insurance Reform, Insurance Implementation

- 400.650 Purpose.
- 400.651 Definitions.
- 400.652 Insurance availability.
- 400.653 Determining crops of economic significance.
- 400.654 Application and acreage report.
- 400.655 Eligibility for other program benefits.
- 400.656–400.657 [Reserved]

Subpart U—Ineligibility for Programs Under the Federal Crop Insurance Act

- 400.675 Purpose.
- 400.676 [Reserved]
- 400.677 Definitions.
- 400.678 Applicability.
- 400.679 Criteria for ineligibility.
- 400.680 Determination and notification of ineligibility.
- 400.681 Effect of ineligibility.
- 400.682 Criteria for reinstatement of eligibility.
- 400.683 Administration and maintenance.

Subpart V—Submission of Policies, Provisions of Policies and Rates of Premium

- 400.700 Basis, purpose, and applicability.
- 400.701 Definitions.
- 400.702 Confidentiality of submission and duration of confidentiality.
- 400.703 Timing of submission.
- 400.704 Type of submission.
- 400.705 Contents required for a new submission or changes to a previously approved submission.
- 400.706 Review of submission.
- 400.707 Presentation to the Board for approval or disapproval.

Federal Crop Insurance Corporation, USDA

§ 400.45

- 400.708 Approved submission.
- 400.709 Roles and responsibilities.
- 400.710 Preemption and premium taxation.
- 400.711 Right of review, modification, and the withdrawal of reinsurance.
- 400.712 Research and development reimbursement, maintenance reimbursement, and user fees.
- 400.713 Non-reinsured supplemental (NRS) policy.

Subpart W [Reserved]

Subpart X—Interpretations of Statutory and Regulatory Provisions

- 400.765 Basis and applicability.
- 400.766 Definitions.
- 400.767 Requester obligations.
- 400.768 FCIC obligations.

Subparts A–B [Reserved]

Subpart C—General Administrative Regulations; Mutual Consent Cancellation

AUTHORITY: 7 U.S.C. 1501 *et seq.*

SOURCE: 57 FR 56438, Nov. 30, 1992, unless otherwise noted.

§ 400.27 Applicability.

Notwithstanding any provisions of the crop insurance policy to the contrary, the mutual consent provision contained herein shall be applicable to all new crop insurance policies issued by the Federal Crop Insurance Corporation (7 CFR part 401 *et seq.*), or by a company reinsured by the Federal Crop Insurance Corporation, effective for the applicable crop year only if those policies meet the requirements of § 400.28 of this subpart and if the crop insured is the same as the crop for which a disaster payment application (CCC 441) was filed for the previous crop year.

[58 FR 67304, Dec. 21, 1993]

§ 400.28 Mutual consent criteria.

(a) An insured may request policy cancellation for the crop year for which the insured filed a CCC 441 for the applicable crop year if written documentation is provided, signed by an authorized Agricultural Stabilization and Conservation Service official, certifying the cancellation is based on one of the following conditions:

(1) Insurance was not a condition of eligibility for disaster payment, based on one or more of the statutory criteria; or

(2) the producer withdrew his application for disaster payments with prejudice or it was rejected by Commodity Credit Corporation;

(b) Cancellation requests must be received in writing no later than three weeks after the date:

(1) The disaster payment check is issued; or

(2) The producer is notified that an application for disaster payment has been rejected; or

(3) The producer withdraws from the disaster payment program.

(c) Carryover policies are not available for mutual consent cancellation. Crop insurance applications dated before the disaster cancellation date (available in the insureds' service office) are not eligible for mutual consent cancellations.

[57 FR 56438, Nov. 30, 1992, as amended at 58 FR 67304, Dec. 21, 1993]

§§ 400.29–400.36 [Reserved]

Subparts D–E [Reserved]

Subpart F—Food Security Act of 1985, Implementation; Denial of Benefits

AUTHORITY: Secs. 1506, 1516, Pub. L. 75–430, 52 Stat. 73, 77, as amended (7 U.S.C. 1501 *et seq.*); sec. 1244, Pub. L. 99–198.

SOURCE: 52 FR 19128, May 21, 1987, unless otherwise noted.

§ 400.45 Applicability.

(a) The regulations in this subpart implement Chapter XII and section 1764 of the Food Security Act of 1985 (Pub. L. 99–198) (the Act) requiring the denial of crop insurance to persons who are determined to have performed certain practices prohibited by the Act or who have violated certain federal or State statutes or the regulations implementing the Act. The provisions of this subpart are applicable to all crop insurance policies written by the Federal Crop Insurance Corporation (the Corporation) or reinsured by the Corporation.